IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3072 OF 2006

Ghasiram Kanhailal Solanki ...Applicant
vs.
N.C.B.
The State of Maharashtra ...Respondents

Mr.Nilofar Saiyed for the Applicant
Ms Gauri P. Kulkarni i/b Mr.D.N.Salvi for Respondent No.1
Mr.Y.M.Nakhwa A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 11,2006.

P.C.:

1. Heard Advocate appearing for the Applicant and the Advocates for the Respondents. The Applicant is an accused in a pending trial for offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the said Act of 1985). The grievance of the Applicant in this Application is that though charge has been framed on 11th November 2005, till today, only two prosecution witnesses have been examined. It is stated that since 11th October 2003, the Applicant is in custody. The prayer in this Application is for issuing directions to the learned Special Judge for completing the trial of NDPS Special Case No.39 of 2004 on day to day basis.

2. This Court had called for report from the Special Judge. Accordingly, a report dated 22nd September 2006 has been submitted by the learned Special Judge. The report discloses that there are number of cases under the said Act of 1985 of the year 2000,2001,2003 and 2004 pending in the court of the

learned Special Judge. Out of the said cases, four cases are at the stage of hearing of arguments. In seven cases, witnesses are being examined. There are two other cases of the year 2004 pending apart from the case of the Applicant. It is obvious that the learned Special Judge is giving priority to the older cases of the year 2000, 2001 and 2002. However, simultaneously, he is dealing with the cases of the year 2003 and 2004 by examining the witnesses from time to time. From the report it appears that the learned Special Judge is making best possible efforts to ensure that the cases under said Act of 1985 are disposed of expeditiously. When number of cases are pending before the learned Special Judge, it is obvious that he cannot give priority to the case of the year 2004 when old cases of the year 2000 and 2001 are pending. Anxiety of the Applicant of getting the case decided early can very well be understood. However, the cases under the said Act of 1985 will have to be disposed of chronologically unless there is a special reason for making a departure.

3. The report submitted by the learned Special Judge is accepted. The report be kept in a sealed envelope.

4. In view of the report, no direction can be given as prayed by the Applicant. Application is disposed of.

JUDGE